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Appln. No. 09/847,843  
Amendment dated April 20, 2007  
Reply to Office Action of January 23, 2007REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The January 23, 2007 Office Action and the Examiner's comments have been carefully considered. In response, claims are amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

REJECTION UNDER 35 USC 112, SECOND PARAGRAPH

In the Office Action claim 13 is rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, claim 13 is amended in a sincere effort to obviate the indefiniteness rejection.

In view of the amendment of claim 13, reconsideration and withdrawal of the rejection of claim 13 under the second paragraph of 35 USC 112 are respectfully requested.

Claims 5 and 9 are amended for clarification purposes only. The amendments do not relate to the patentability of the claims.

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#### PRIOR ART REJECTIONS

In the Office Action claims 4-5, 7-9, 11-13 and 15 are rejected under 35 USC 103(a) as being unpatentable over USP 5,669,040 (Hisatake) in view of USP 6,313,928 (Yu). Claims 6, 10 and 14 are rejected under 35 USC 103(a) as being unpatentable over Hisatake in view of Yu, and further in view of USP 4,673,282 (Sogame).

In response, claims 4, 8 and 12 are amended to include the limitation "so as to complete the reading of the document on the document table without requiring designation of the document size for the document on the document table to be made by said user interface again."

This limitation has been added to independent claims 4, 8 and 12 because this limitation is not disclosed, taught or suggested in the references of record.

An advantage of the present invention resides in that the requirements for user intervention caused by a temporal change in the manner of reading is reduced. When the user designates a document size for a document on the document table using the user interface, the controller specifies a read size corresponding to the document size. If it becomes necessary to give a higher priority to reading of another document fed by the document feeder than the reading of the document on the document table,

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the read size specified for the document on the document table is changed to carry out the reading of the other document. Conventionally, after the reading of the other document, the document size for the document on the document table is designated again to reinstate the read size. Since the user is required to manually operate the user interface to designate the document size of the document on the document table again, this increases the requirement for user intervention. In contrast to the prior art, in the present claimed invention, the controller maintains the document size designated for the document on the document table while the cover is closed, and refers to the maintained document size to reinstate the read size, which is changed when the reading of the document on the document table is interrupted by reading an image of another document fed by the document feeder. Thus, the reading of the document on the document table is completed without requiring designation of the document size for the document on the document table to be made by the user interface again. In other words, the user does not need to designate the document size for the document on the document table again by manually operating the user interface. This reduces the load on the user.

Hisatake teaches a technique of storing image data in preparation for an interruption of a registered print job.

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However, this technique cannot deal with the interruption of a reading job for acquiring image data from a document placed on a document table. Further, Hisatake is silent about the designation of a document size for the document on the document table to be made again after the interruption of the reading job. Referring to column 21, lines 50-56 of Hisatake, Hisatake does not disclose that an operation and display section 53 is manually operated to designate the document size for the document on the document table. Referring to column 21, lines 50-56 and column 13, lines 1-7 of Hisatake, Hisatake does not disclose that the document size for the document on the document table is maintained while a cover is closed.

Yu teaches a facsimile having a structure that automatically detects the size of a document consecutively fed from a document tray. Referring to column 3, line 55 through column 4, line 31, and figure 2 of Yu, an A4-size document sensor 12 and a B4-size document sensor 20 are arranged on a document insertion line D2 to detect the size of the document to be read by an image sensor 18. An A4-size document is detected by the document sensor 12, and a B4-size document is detected by the document sensor 20. If a document larger than A4 but slightly smaller than B4 is inserted, it is detected by the document sensor 20 and regarded

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as a B4 document. In this manner, two document sizes are detectable from documents of differing size.

With the above-mentioned structure, a first document is fed upon detection of the size thereof. The size of a second document is detected when the first document has arrived at a scan stand-by line D1. In a case where the first document is size A4 and the second document is size B4, an image of the first document is undesirably read with a wrong read size due to the change of document size as a result of detection of the size of the second document. In figure 3, a B4-size document sensor (22) is additionally provided on the scan stand-by line D1 to cope with the change in the document size. However, the B4-size document sensor 22 causes an increase in the cost of the facsimile.

Therefore, Yu proposes replacing the B4-size document sensor 20 with a B4-document sensor 38 which is positioned between the document insertion line D2 and the scan stand-by line D1, as shown in figure 5. When the first document (A4) has arrived at the scan stand-by line D1, the B4-size document sensor 38 is unable to detect the size of the second document (B4). When reading of an image of the first document is started, the second document is fed from the document insertion line D2 to the scan stand-by line D1, and the size of the second document is detected

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by the B4-size document sensor 38 during the feeding. Since the reading of the first document starts before the size of the second document is detected as B4, the reading of the first document is not adversely affected by the result of detection. Accordingly, Yu simply improves the reliability of an automatic detection system which detects different sizes of documents.

In both Hisatake and Yu, a document size for a document on the document table is not designated by a user interface. Thus, these references do not recognize the load on the user caused by a temporal change in the manner of reading. Neither of the references teaches maintaining the document size designated for the document on the table while a cover is closed, and to refer to the maintained document size to reinstate a read size, which is changed when the reading of the document on the document table is interrupted by reading an image of another document fed by the document feeder. In addition, the references fail to disclose, teach or suggest that the length of holding the document size designated by the user interface depends on a state of the cover.

In view of the foregoing, independent claims 4, 8 and 12 are patentable over Hisatake and Yu, when taken either alone or in combination.

None of the other references, including Sogame, close the gap between the present claimed invention as defined by

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independent claims 4, 8 and 12 and Hisatake in view of Yu.  
Therefore, claims 4, 8 and 12 are patentable over all of the  
references of record under 35 USC 102 as well as 35 USC 103.

Claims 5-7, 9-11 and 13-15 are either directly or indirectly  
dependent on claims 4, 8 or 12, and are patentable over the cited  
references in view of their dependence on claims 4, 8 or 12 and  
because the references do not disclose, teach or suggest each of  
the limitations set forth in the dependent claims.

In view of all of the foregoing, claims 4-15 are in form for  
immediate allowance, which action is earnestly solicited.

\* \* \* \* \*

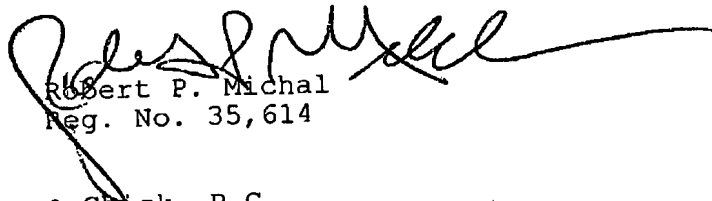
Entry of this Amendment, allowance of the claims and the  
passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the  
Examiner is respectfully requested to point out where there is  
support for a contrary view.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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